

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TERRELL JOHNSON,</b>	:	<b>Civil No. 3:12-CV-743</b>
	:	
<b>Plaintiff,</b>	:	
	:	<b>(Judge Kosik)</b>
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>ERIKA FENSTERMAKER, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM ORDER**

This is a civil rights action brought by various federal inmates arising out of an alleged food poisoning incident at the United States Penitentiary, Canaan. (Doc. 1) The original action, which was filed on April 20, 2012, named four inmate plaintiffs. We have ordered the complaint served, but the defendants have not yet responded to this complaint. At this early stage of this litigation a fifth inmate, Terrell Johnson, has filed a motion for leave to proceed *in forma pauperis*, (Doc. 21), and a motion to join this action. (Doc. 19) Joinder of parties is governed by Rule 19 of the Federal Rules of Civil Procedure, which provides that:

**(a) Persons Required to Be Joined if Feasible.**

**(1) *Required Party.*** A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

\* \* \* \* \*

**(B)** that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:  
**(I)** as a practical matter impair or impede the person's ability to protect the interest. . . .

Fed. R. Civ. P., Rule 19(a).

Here Johnson's motion alleges that he too was affected by this alleged food poisoning. Therefore, Johnson is a person who "claims an interest relating to the subject of the action and is so situated that disposing of the action in [his] absence may as a practical matter impair or impede [his] ability to protect [his] interest," and should be joined as a plaintiff. Accordingly, IT IS ORDERED that Johnson's motion for leave to proceed *in forma pauperis*, (Doc. 21), and a motion to join this action, (Doc. 19), are GRANTED.

So ordered this 11th day of May 2012.

**S/Martin C. Carlson**  
Martin C. Carlson  
United States Magistrate Judge